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Attorney for Defendant, Michele Fiore

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

CASE NO. 2:24-cr-00155-JAD-DJA

Plaintiff,

vs.

MICHELE FIORE,

**DEFENDANT MICHELE FIORE'S
MOTION TO CONTINUE THE
DEADLINES FOR POST-TRIAL
MOTIONS AND SENTENCING DATE
(FIRST REQUEST)**

Defendant.

Defendant, Michele Fiore, by and through her attorney, Paola M. Armeni, Esq., of the law firm of Clark Hill PLLC, respectfully moves this Honorable Court to continue the deadlines for filing post-trial motions currently due on October 17, 2024 and the sentencing date currently set for January 6, 2025, at 1:30 p.m. to a date convenient to the Court but not less than 60 days. Undersigned counsel was recently appointed and needs additional time to review the record to evaluate post-trial motions and prepare for sentencing. The current deadlines do not allow counsel sufficient time to effectively represent Ms. Fiore. Thus, this Motion should be granted.

MEMORANDUM OF POINTS AND AUTHORITIES

I.

STATEMENT OF RELEVANT FACTS

On October 3, 2024, a jury returned a verdict of guilty against Ms. Michele Fiore. Post trial motions are currently due on October 17, 2024, and sentencing is currently scheduled for January 6, 2025, at 1:30 p.m.

On October 10, 2024, Ms. Paola M. Armeni, was appointed for sentencing and potential post-trial purposes. Due to the recent appointment, counsel needs additional time to review the

1 trial records, prepare post-trial motions if any, and adequately prepare for sentencing.
2 Additionally, counsel must obtain and review the file from prior counsel to ensure a complete
3 understanding of the case and the history of the proceedings. Ms. Armeni has communicated with
4 the Government regarding her request. The Government would only stipulate to a 30 day extension
5 of post-trial motions which defense counsel does not believe would be sufficient time to review
6 the entirety of the trial record and prepare motions. As to the sentencing date, the Government
7 advised they would defer to the court. For these reasons, Ms. Fiore files the instant motion.

8 **II.**

9 **LEGAL ARGUMENT**

10 Ms. Armeni was only recently appointed on October 10, 2024 [DKT 79]. Under Federal
11 Rule of Criminal Procedure 32(b)(2), Ms. Fiore and counsel are entitled to adequate time to prepare
12 for sentencing, which includes reviewing trial transcripts, case files, and obtaining files from prior
13 counsel. This is essential to ensure effective representation and to adequately address any post-
14 trial motions. Granting this continuance will not prejudice the government, as the extension will
15 allow the defense to present fully developed arguments in post-trial motions and at sentencing,
16 ensuring that all parties are properly prepared. This is consistent with the principle set forth in
17 *United States v. McClain*, 617 F.2d 1276 (9th Cir. 1980), wherein the Ninth Circuit emphasized
18 the importance of providing defendants with adequate preparation time. Ms. Fiore has a
19 constitutional right to effective assistance of counsel as guaranteed by the Sixth Amendment. In
20 *Strickland v. Washington*, 466 U.S. 668 (1984), the Supreme Court established a two-prong test
21 for determining ineffective assistance of counsel, which includes the necessity for counsel to have
22 sufficient time and resources to prepare. Adequate preparation time is essential to fulfill this
23 obligation.

24 Here, undersigned is set to receive files from Ms. Fiore's prior counsel on October 15,
25 2024. To date, counsel has not yet received transcripts from the trial and is unable to draft any
26 post-trial motions before the upcoming October 17, 2024 deadline without time to review the
27 transcripts.

1 If the deadline for post-trial motions is extended, the sentencing hearing date should also
2 be extended to ensure the most efficient management of this case.

3 **II.**

4 **CONCLUSION**

5 For the foregoing reasons, Ms. Fiore respectfully requests that this Court extend the
6 deadline dates for filing post-trial motions by at least 60 days. Additionally, it is requested that the
7 sentencing date be continued by 60 days from its current date of January 6, 2025, establishing a
8 new sentencing date of May 7, 2025, or at a date and time more convenient to the court.

9 Dated this 15th day of October, 2024.

10 CLARK HILL PLLC

11 /s/ Paola M. Armeni, Esq.
12 PAOLA M. ARMENI
13 Nevada Bar No. 8357
14 1700 South Pavilion Center Drive, Suite 500
15 Las Vegas, Nevada 89135
16 Tel: (702) 862-8300
17 Attorney for Defendant, Michele Fiore

CERTIFICATE OF SERVICE

The undersigned, an employee of Clark Hill PLLC, hereby certifies that on the 15th day of October, 2024, I served a copy of the **DEFENDANT MICHELE FIORE'S MOTION TO CONTINUE THE DEADLINES FOR POST-TRIAL MOTIONS AND SENTENCING DATE**, via the Court's CM/ECF electronic filing system addressed to all parties on the e-service list.

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/s/ Tanya Bain
An employee of CLARK HILL PLLC